

REMARKS

In the Final Office Action mailed May 27, 2009, the Examiner rejected claims 23 and 43 under 35 U.S.C. §112, first paragraph, for failing the written description requirement; rejected claims 1, 4, 10-11, 14, 17, 20, 21, 23, 26-29, 33, 35-37, 39, and 41 under 35 U.S.C. § 102(b) as anticipated by WO 97/26739 to Kari et al. (Kari); rejected claims 15, 30, 38, and 40 under 35 U.S.C. § 103(a) as unpatentable over Kari and U.S. Patent No. 6,631,122 to Arunachalam et al. (Arunachalam); rejected claims 31, 32, and 34 under 35 U.S.C. § 103(a) as unpatentable over Kari and U.S. Patent Application Publication No. 2002/0068545 to Oyama et al. (Oyama); and rejected claims 42-44 under 35 U.S.C. § 103(a) as unpatentable over Kari and U.S. Patent No. 6,434,380 to Anderson et al. (Anderson).

By this amendment, Applicant amends claims 1, 17, 20, 21, 42 and 44 to more clearly define the features of those claims and cancels claims 23 and 43 without prejudice or disclaimer.

Claims 1, 4, 10, 11, 14, 15, 17, 20, 21, 26-42, and 44 are currently pending.

Regarding the objection under section 112, Applicant submits that the cancellation of claims 23 and 43 obviate the basis of the rejection.

The Examiner rejected claims 1, 4, 10-11, 14, 17, 20, 21, 26-29, 33, 35-37, 39, and 41 under 35 U.S.C. § 102(b) as anticipated by Kari. Applicant respectfully traverses this rejection.

Claim 1 defines a system including the following features:

user equipment;

a resource node configured to provide access to a wireless connection coupled to the user equipment and to manage resource for communication with said user equipment; and

a managing node configured to manage traffic flow, wherein said resource node and said managing node are configured so that negotiation information determined by the at least one resource node is passed between the resource node and the managing node, said managing node selecting a parameter for a new traffic flow based on said negotiation information, wherein said negotiation information comprises cost.

Kari discloses a packet radio system that includes a radio interface for a mobile station MS. See Kari at FIG. 1. The Kari system includes packet radio support nodes (SGSN), gateway support nodes (GGSN), and also includes a billing gateway support node (BGGSN). Referring to Kari, the GGSNs of different operators may communicate with one another to support roaming between different GPRS networks (see page 7, lines 10-13 of Kari). The GGSN is also used for storing location information of the GPRS mobile stations. The SGSN collects information about the radio interface usage and the GGSN collects information about the data network usage (see page 8, lines 6-11 of Kari). However, the SGSN, GGSN, and BGGSN cannot possibly constitute a "resource node," much less "a resource node configured to provide access to a wireless connection coupled to the user equipment and to manage resource for communication with said user equipment" as recited in claim 1.

Moreover, as the Kari SGSN, GGSN, and BGGSN do not constitute the "resource node" recited in claim 1, Kari also fails to disclose a negotiation between a resource node and a managing node, such as "wherein said resource node and said managing node are configured so that negotiation information determined by the at least one

resource node is passed between the resource node and the managing node," as recited in claim 1.

In view of the foregoing, claim 1 is not anticipated by Kari, and the rejection under 35 U.S.C. § 102(b) of claim 1, as well as claims 4, 10-11, and 14 at least by reason of their dependency, should be withdrawn.

Independent claims 17, 20, and 21, although of different scope, include the above noted feature of claim 1. For at least the reasons noted above, claims 17, 20, and 21 are not anticipated by Kari, and the rejection under 35 U.S.C. § 102(b) of claims 17, 20, and 21, as well as claims 26-29, 33, 35-37, 39, and 41 at least by reason of their dependency, should be withdrawn.

The Examiner rejected claims 15, 30, 38, and 40 under 35 U.S.C. § 103(a) as unpatentable over Kari and Arunachalam. Applicant respectfully traverses this rejection.

Claim 15 depend from claim 1 and include all the features recited therein including, among other things, "wherein said resource node and said managing node are configured so that negotiation information determined by the at least one resource node is passed between the resource node and the managing node." As noted above, Kari fails to disclose or suggest this feature. Moreover, although Arunachalam discloses a QoS agent, Arunachalam fails to cure the noted deficiencies of Kari. Claims 30, 38, and 40, although of different scope, include features similar to those noted with respect to claim 15. Therefore, claims 15, 30, 38, and 40 are allowable over Kari and Arunachalam, whether taken alone or in combination, and the rejection under 35 U.S.C. § 103(a) of claims 15, 30, 38, and 40 should be withdrawn.

The Examiner rejected claims 31, 32, and 34 under 35 U.S.C. § 103(a) as unpatentable over Kari and Oyama. Applicant respectfully traverses this rejection.

Claim 31 depends from claim 30 and include all the features recited therein including, among other things, "passing the determined negotiation information between the resource node [configured to provide access to a wireless connection coupled to the user equipment] and a managing node." As noted above, Kari fails to disclose or suggest this feature. Moreover, although Oyama discloses charging, Oyama fails to cure the noted deficiencies of Kari. Claims 30, 38, and 40, although of different scope, include features similar to those noted with respect to claim 15. Therefore, claims 31, 32, and 34 are allowable over Kari and Oyama, whether taken alone or in combination, and the rejection under 35 U.S.C. § 103(a) of claims 31, 32, and 34 should be withdrawn.

The Examiner rejected claims 42 and 44 under 35 U.S.C. § 103(a) as unpatentable over Kari and Anderson. Applicant respectfully traverse this rejection.

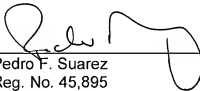
Claim 42 recites a combination including, among other things, "receiving, at the node, negotiation information from a resource node configured to provide access to a wireless connection, wherein the negotiation information comprises cost information which is determined at the resource node." As noted above, Kari fails to disclose or suggest this feature. Moreover, although Anderson discloses negotiation, Anderson fails to cure the noted deficiencies of Kari. Claim 44, although of different scope, includes features similar to those noted with respect to claim 42. Therefore, claims 42 and 44 are allowable over Kari and Anderson, whether taken alone or in combination, and the rejection under 35 U.S.C. § 103(a) of claims 42 and 44 should be withdrawn.

CONCLUSION

On the basis of the foregoing amendments, the pending claims are in condition for allowance. It is believed that all of the pending claims have been addressed in this paper. However, failure to address a specific rejection, issue or comment, does not signify agreement with or concession of that rejection, issue or comment. In addition, because the arguments made above are not intended to be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as an intent to concede any issue with regard to any claim, except as specifically stated in this paper.

The Commissioner is hereby authorized to charge the fee and any additional fees that may be due, or credit any overpayment of same, to Deposit Account 50-0311, Reference No. Attorney Docket No. 39700-577N01US/NC16859US. If there are any questions regarding reply, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,



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